IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.595 OF 2005

1. Devram Ganuji Kamble and ors. .. Appellants.
Vs
1. Arjun Genuji Kamble and ors. .. Respondents.

Mr Jaydeep Deo i/b Ms Suhasini Mutalik for the appellants.

Ms Madhuri Tavanandi, for respondent no.1.

CORAM : D.B.BHOSALE,J.
DATE : 22.01.2007.

PC:
1. Heard the learned counsel for the parties.

2. This appeal is directed against the concurrent judgments of the courts below, by which the suit filed by respondent no.1-plaintiff has been decreed. The suit was filed for a declaration that the plaintiff has become an absolute owner of the suit property by virtue of the sale deed dated 3.5.1968 executed by the father of the defendants. The plaintiff is a step brother of the defendants. It appears that the father of the defendants had purchased the suit property on 3.5.1968. Mr Deo, learned counsel for the appellants, vehemently submitted that the suit property was a joint family property and, therefore, the father had no right to execute the sale deed dated 3.5.1968 and transfer it to the plaintiff. Both the courts below have considered

this contention of the defendants in a proper perspective and have concurrently held that the suit property was self-acquired property and the father of the defendants had exclusive right over the same. I find absolutely no reason/ground to interfere with these findings of fact recorded by the courts below. Insofar as other contention of Mr.Deo, learned counsel for the appellants that the C.T.S number mentioned in the sale deed differs is concerned, both the courts have recorded a categoric finding that the property is clearly identifiable on the basis of the boundaries mentioned in the sale deed and, therefore, the different CTS numbers would not have any effect on the title acquired by the respondent-plaintiff in the said property. Keeping that in view and considering the concurrent findings of facts and as I find that there is sufficient material on record to sustain those findings and considering the extremely limited jurisdiction of this Court under section 100 of C.P.C to disturb the findings of fact, this appeal fails and is dismissed as such.

(D.B.BHOSALE,J.)